

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**TYRELL KNIGHT,**

**Plaintiff,**

**V.**

**FRANK HOPKINS, individually and in their official capacities, KATHLEEN BLUM, individually and in their official capacities, KARI PEREZ, Dr., individually and in their official capacities, GLEN CHRISTENSEN, Dr., individually and in their official capacities, SHANA STARK, individually and in their official capacities, UNKNOWN OFFICERS, individually and in their official capacities, SALLY STERLING, individually and in their official capacities, RHONDA GABER, individually and in their official capacities, ROBERT HOUSTON, individually and in their official capacities, and UNKNOWN BURKEY, Lieutenant, individually and in their official capacities,**

**Defendants.**

**CASE NO. 4:06CV3152**

# MEMORANDUM AND ORDER

This matter is before the court on filing nos. 40 & 43, the motions for appointment of counsel filed by the plaintiff. The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained:

‘Indigent civil litigants do not have a constitutional or statutory right to appointed counsel.’... The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence

or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim.

(Citations omitted.) The plaintiff has capably presented the factual basis for the claims in this proceeding. I find that at this time appointment of counsel is not necessary to enable the plaintiff to pursue those claims. Therefore, the motion for appointed counsel, is denied.

IT IS ORDERED:

1. That the plaintiff's Motions for Appointment of Counsel (Filing Nos. 40 & 43) are denied;

2. The Clerk of Court is directed to send a copy of this Memorandum and Order to the plaintiff at his last known address.

DATED this 1st day of June, 2007.

BY THE COURT:

s/ F.A. Gossett  
United States Magistrate Judge